

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KIMBER BALDWIN DESIGNS, LLC,
individually and on behalf of all other
similarly situated,

Plaintiff,

VS.

SILV COMMUNICATIONS, INC.

Defendant.

CASE NO. 1:16-cv-00448-TSB

Judge Timothy Black

**AFFIDAVIT OF MADELYN M.
DUNLAP IN SUPPORT OF MOTION
FOR FINAL APPROVAL**

AFFIDAVIT OF MADELYN M. DUNLAP

I, Madelyn M. Dunlap, being duly sworn and deposed, say:

1. I am over 21 years of age and am not a party to this action.
2. I have personal knowledge of the facts stated herein and, if called as a witness,

could and would testify competently thereto.

3. I am a Senior Analyst at Hannon Class Management Group, LLC (“HCMG”).

HCMG has been retained as the Settlement Administrator for the above-captioned action. I have just under ten years of experience in the class action administration field. I worked for Class Action Administration, Inc. from 2008 – 2016 then came to Hannon Class Management Group, LLC. Over the course of my career in class action administration, I have been promoted on numerous occasions as a result of my knowledge and performance in this field.

4. I submit this Affidavit to provide information concerning the administrative
es performed by HCMG as required by the Parties' Settlement Agreement and the Court's

Order Granting Preliminary Approval of Settlement Agreement and Order Scheduling Fairness

Hearing (“Order”) [ECF No. 34], entered June 13, 2017, and to confirm that HCMG has executed the Notice Plan approved by the Order.

5. This Affidavit describes: (1) receipt and processing of the list of Class Members provided by Defendant Silv Communications, Inc. (“Silv”); (2) preparation and mailing of a Postcard Notice; (3) receipt and processing of undeliverable Postcard Notices; (4) establishment and maintenance of the Toll-Free Helpline; (5) receipt and processing of requests for exclusion; (6) receipt and processing of Claim Forms.

**RECEIPT OF CLASS MEMBER RECORDS AND
PREPARATION OF NOTICE MAILING LIST**

6. On July 17, 2017, Silv provided HCMG with a list containing the name and last known address of each member of the Class as defined in the Settlement Agreement.

7. HCMG reviewed the records for completeness and duplications. This methodology yielded a final Postcard Notice mailing list containing 24,131 records (the “Postcard Notice Mailing List”).

8. In order to obtain the most current mailing addresses for the Postcard Notice Mailing List, HCMG processed the List through the United States Postal Service National Change of Address database. This process updates addresses for individuals who have moved within the last four years and who filed a change of address with the United States Postal Service (“USPS”).

NOTICE POSTCARD MAILING

9. Pursuant to the terms of the Order, HCMG sent a Postcard Notice, in a form and content substantially similar to the Postcard Notice attached as Exhibit A to the Settlement Agreement, to 24,131 members of the Class in the Postcard Notice Mailing List on August 18, 2017, via First Class mail. A sample of the Postcard Notice is attached as Exhibit A.

10. HCMG maintains a copy of the Postcard Notice Mailing List; this list is available for inspection by the Court, Class Counsel, and Counsel for Defendant upon request.

RECEIPT AND PROCESSING OF UNDELIVERABLE POSTCARD NOTICES

11. HCMG is responsible for receiving and re-mailing, when possible, any Postcard Notices returned as undeliverable by the USPS. As of October 4, 2017, HCMG has received 6,428 undeliverable Postcard Notices. Of these, 50 Postcard Notices were returned by the USPS with a forwarding address, and HCMG re-mailed the Postcard Notices to the new address provided. Of the forwarded notices, only nine were returned as undeliverable.

THE TOLL-FREE SETTLEMENT HELPLINE

12. HCMG established a fully-automated, toll-free Settlement Helpline (the “Helpline”) intended to provide members of the Class with information about the Settlement. The Helpline includes an Interactive Voice Response system that allows callers to listen to general information about the Settlement, listen to responses to frequently asked questions, and leave a voicemail to request case documents, if desired. A printout of the Helpline’s structure and content is attached as Exhibit B.

13. The Helpline was opened on August 18, 2017, and is still operating.

14. The Helpline operates 24 hours per day, seven days per week. The Helpline’s toll-free number is 1-833-507-6266, which was printed in the Postcard Notice. As of October 4, 2017, HCMG has received six voicemails from Class members.

REQUESTS FOR EXCLUSION

15. HCMG received and reviewed all requests for exclusion from the Class. HCMG’s review included verifying that the requestor was a Class Member, that the request for exclusion met the requirements for validity required by the Order and Settlement Agreement, and

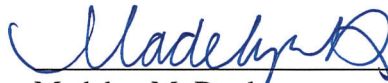
that the request for exclusion was submitted so that it was postmarked on or before the deadline. As of October 4, 2017, HCMG received three valid requests for exclusion. A list of these three businesses will be maintained by Counsel for Plaintiffs, Counsel for Defendant, and by the Settlement Administrator, and is available to the Court upon request.

CLAIM FORMS RECEIVED

16. As of October 4, 2017, HCMG has received and reviewed 1,126 claim forms. HCMG is in the process of verifying these claim forms compared against the information provided Silv, to determine they are legitimate. The deadline for Class Members to file a Claim Form is October 17, 2017. HCMG will provide copies of Claim Forms to counsel by October 27, 2017, pursuant to the Settlement Agreement.

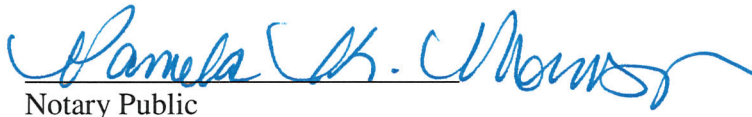
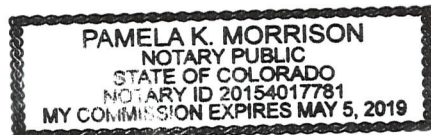
I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 9 day of October, 2017 in Denver, Colorado.



Madelyn M. Dunlap
Senior Analyst
Hannon Class Management Group, LLC

Sworn to and Subscribed before me
this 9th day of October, 2017.


Notary Public

LEGAL NOTICE AND CLAIM FORM

You may be entitled to money if your long distance service was switched to Silv Communications, Inc., and you incurred unauthorized charges.

SILV COMMUNICATIONS
SETTLEMENT
C/O HCMG
P.O. BOX 300074
DENVER, CO 80203

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
TWIN CITIES, MN
PERMIT 4444

The Claim Form is attached to this Notice.

The deadline to file a Claim Form is:

October 17, 2017

This Notice contains information about a class action Settlement. More detailed information can be found by calling:

1-833-507-6266

KIMBER BALDWIN DESIGNS, LLC V. SILV COMMUNICATIONS CLAIM FORM

Please complete the information below and sign before mailing this Claim Form.

1. _____
Name of Claimant (Business or Individual)
2. (____) _____ -
Phone Number
3. _____
Address City State Zip Code

You must sign below: I declare under penalty of perjury that claimant was subjected to unauthorized charges for Silv long distance services between January 1, 2012 and June 13, 2017.

Signature

Date

Printed Name

Title

↑ To open, fold at perforation and carefully remove this stub. ↑

Exhibit A

A Settlement has been reached in a class action against Silv Communications, Inc. ("Silv"). Plaintiff alleges that Defendant switched Plaintiff and members of the class to its long distance service without authorization causing Plaintiff and members of the class to incur unauthorized charges. Defendant denies these allegations.

Why did I get this notice? You received this notice because Silv's records show that Silv was your long distance provider sometime between January 1, 2012 and June 13, 2017. You have legal rights.

What can I get? Silv will pay \$450,000 to a Settlement Fund. Each Class Member who submits a valid **Claim Form** postmarked by **October 17, 2017**, will receive a payment of up to \$120 according to a Court-approved allocation plan. The average payment is estimated by Class Counsel to be approximately \$100. The payment you receive may be lower depending upon how many Class Members submit Claim Forms.

What are my options? You can stay in the class, exclude yourself, or object to the Settlement. The only way to receive a Settlement payment is to file a claim. The **Claim Form** is attached to this Notice. If you do not want to be legally bound by the Settlement, you must exclude yourself no later than **October 2, 2017**, by mailing a letter to Silv Communications Exclusions, c/o HCMG, PO Box 300074, Denver, CO, 80203, stating that "I/We hereby request to be excluded from the proposed Class Settlement." Include your name and address and the name of your company, if any, and sign the letter. If you do not exclude yourself, you may object to the Settlement by filing a letter with the Court, Office of the Clerk, Potter Stewart U.S. Courthouse, Room 103, 100 East Fifth Street, Cincinnati, OH, 45202, by **October 2, 2017**. You or your attorney must sign the objection, which must contain the caption *Kimber Baldwin Designs, LLC v. Silv Communications, Inc., No. 1:16-cv-448 (S.D. Ohio)* and your name, current address and telephone number, a statement that you are a member of the Settlement Class, and the specific reasons why you object to the Settlement. The letter must also state whether you and/ or your attorney intend to appear at the Fairness Hearing, and if so, any legal or evidentiary support you wish to bring to the Court's attention, as well as identify any documents you will seek to introduce or witnesses you intend to call at the Fairness Hearing. The Court, located in Cincinnati, OH, will hold a hearing on **October 23, 2017**, at 10:00 a.m. in Courtroom 1, 100 East Fifth Street, Cincinnati, OH 45202, on whether to approve the Settlement, including the amount of attorney fees (up to one-third of the Settlement Fund) and expense reimbursement and what Contribution Award, if any, should be given to the Class Representative, each of which, if approved, will be paid from the Settlement Fund. You or your attorney also may ask permission to speak at the hearing at your own cost.

Call 1-833-507-6266 for more information about your options.

Place
Postage
Here

SILV COMMUNICATIONS SETTLEMENT
C/O HCMG
P.O. BOX 300074
DENVER, CO 80203

Exhibit A



Kimber Baldwin Designs v. Silv Communications

Toll-Free Number Phone Script

Initial Greeting

You've reached the Kimber Baldwin Designs v. Silv Communication Settlement Administrator. Please choose from the following options:

To learn why you received a notice, press 1.

To hear about your legal options and the deadlines to exercise them, press 2.

To request a copy of the settlement agreement and preliminary approval order, press 3.

For the settlement administrator's mailing address, press 4.

Why You Received a Notice

Plaintiffs filed a class action alleging that Silv Communication switched members of the class to its long-distance service without authorization. Plaintiffs further allege that the switch caused members of the class to incur unauthorized charges. You received a notice because Silv Communication's records show that it was your long-distance provider sometime between January 1, 2012 and June 13, 2017.

To hear this message again, press 1.

To return to the main menu, press 2.

Legal Options

All members of the class have the following options: you can stay in the class, object to the Settlement, or exclude yourself.

If you want to receive a Settlement payment, you must complete a claim form and mail it so it is postmarked no later than October 17, 2017. The claim form is attached to the notice that was mailed to you.

If you do not want to be legally bound by the Settlement, you must exclude yourself by mailing a letter to the administrator no later than October 2, 2017. See your notice for detailed instructions on what must be included in the letter.

If you do not exclude yourself, you may object to the Settlement by filing a letter with the court no later than October 2, 2017. See your notice for detailed instructions on what must be included in your objection.

To hear this message again, press 1.
To return to the main menu, press 2.

Request Copies

Please leave a message with your first and last name, complete mailing address, including any apartment or unit numbers, and your telephone number, along with which documents you would like to receive a copy of. Please allow 5 to 10 business days to receive your requested document.

Mailing Address

The mailing address for the settlement administrator is:

Silv Communications Settlement
c/o HCMG
PO Box 300074
Denver, CO 80203

To hear this message again, press 1.
To return to the main menu, press 2.